



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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November 6, 1995

CERTIFIED RETURN RECEIPT

P 074 978 967

William and Preston Bown
842 West 400 North
Bountiful Utah 84087

Dear Messrs Bown:

Re: Notice of Non-Compliance, Lynn Springs Quarry Mine, S/003/025, Box Elder County, Utah

This letter is sent to notify you, that your mining operation, or portions thereof, is not in compliance with certain sections of the Utah Mined Land Reclamation Act 40-8-1 et seq and the Minerals Reclamation Program Rules R647-1 through R647-5.

Finding of Non-Compliance

Specifically, you have failed to file a Notice of Intention to Commence Large Mining Operations, as required by the Utah Mined Land Reclamation Act, **Title 40-8-13(1)(a)**, and Section **R647-3-101.1** of the Minerals Rules.

Pursuant to Utah Code Annotated 40-8-1 et seq., an inspection was performed at the Lynn Springs Quarry on September 6, 1995, by Lynn Kunzler (DOGM staff) and Gordon Struthers of the USFS. During inspection of the site, it was evident that recent mining activity had taken place. By letter dated May 5, 1995, you were notified by the Division that surface disturbances at this quarry had exceeded five (5) acres. You were informed that a Notice of Intention to Commence Large Mining Operations was required for this operation. An alternative option was to reclaim sufficient acreage to reduce the disturbance to five (5) or less acres. A June 20, 1995 deadline was established to submit a complete large mining notice (Form MR-LMO). You failed to provide the large mining notice or request a time extension by the established deadline. On June 21, 1995, Mr. Kunzler and Mr. Struthers met with you at another mine site. An agreement was reached regarding partial reclamation of the Lynn Springs

Page 2
William & Preston Bown
S/003/025
November 6, 1995

Quarry at that time. Once performed, this reclamation would reduce the surface disturbance below five (5) acres, thereby enabling you to continue mining the Lynn Springs site under a Small Mining Operation notice. Two timeframes were respectively established (August 31, 1995, and October 31, 1995) to complete the required regrading and reseeding activities. This agreement was reiterated during a subsequent July 20, 1995, DOGM Office meeting, wherein you assured Division staff that the work would be completed on time. As of our September 6th inspection, no reclamation work had been performed. To date, we have not received any correspondence or the large mining notice of intention for this site.

Location of Non-Compliance

The specific location of the non-compliance is in the SE/4 of Section 20, Township 14 North, Range 16 West, SLBM, Box Elder County, Utah.

Mitigation Requirements

You are hereby directed to commence immediate reclamation of the mine site to reduce your surface disturbance to five (5) acres or less. The alternative is to file a complete Large Mining Operation Notice of Intention (FORM MR-LMO) with this office. The reclamation work (recontouring, backfilling, reseeding, etc.) must be completed no later than November 20, 1995. We request that you notify our office several days prior to performing the required reclamation. If possible, we would like to witness the reclamation and reseeding activities.

If you do not wish to reclaim the excess acreage at this site, then you must file a complete and technically adequate Notice of Intention to Commence Large Mining Operations with our office no later than November 27, 1995. You are advised that conducting a large mining operation (> 5 acres of surface disturbance) requires an operator to post an appropriately calculated reclamation surety for the mine site. Therefore, in order to continue mining operations at this site (during the time period that it takes to process and approve a large mining operations permit application), the Division will require you to post an *interim reclamation surety* in the amount of \$17,500. This amount is a conservative estimate of the projected costs for the Division to reclaim the site in its present condition (@7 acres X \$2500/acre). This reclamation surety amount will be adjusted accordingly upon final approval of your large mining permit application.

Please notify us immediately regarding your preferred method of permitting this mine site.

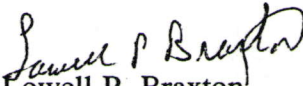
Page 3
William & Preston Bown
S/003/025
November 6, 1995

Consequences of Continued Non-Compliance

Should you fail to comply with these requirements within the time frames set forth in this Non-Compliance Notice, we will be forced to issue a Notice of Agency Action. A formal Notice of Agency Action will require that you appear before the Board of Oil, Gas and Mining (Board). The Board, after notice and public hearing, may enter an Order finding you in direct violation of the Act and its interpretive rules. Appropriate enforcement actions, as provided for under the Act and Utah law, may be levied against you. A finding of willful or knowing violation (section 40-8-9(1) of the Act) could result in civil penalties being assessed not to exceed \$10,000 dollars a day for each violation.

If you need additional permit application forms, or have questions regarding this action, please contact me, Wayne Hedberg or Lynn Kunzler of the Minerals Reclamation Program as soon as possible.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jb
cc: Gordon Struthers, USFS, Burley RD
Dan Washington, BLM, Bear River RA
Tom Mitchell, Assistant Attorney General
Minerals staff (route)
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